

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 Brilliant, LLC :

8 t/a Flash :

9 645 Florida Ave. NW :

10 License #90823 :

11 Retailer CT :

12 ANC 1B :

13 Settlement agreement :

14 - - - - - - - - - - - - - - -X

15 Wednesday, August 10,
16 2016

18 Whereupon, the above-referenced matter
19 came on for hearing at the Alcoholic Beverage
20 Control Board, Reeves Center, 2000 14th Street,
21 N.W., Suite 400S, Washington, D.C. 20009.

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3 BOARD MEMBERS PRESENT

4 NICK ALBERTI, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7 RUTHANNE MILLER, BOARD MEMBER

8

9 ALSO PRESENT:

10 ANDREW KLINE

11 NAVID ZAHRAIE

12 AFSHIN MOTTAGHI

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1 P R O C E E D I N G S

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3 CHAIRPERSON ANDERSON: This is a fact
4 finding hearing for Flash, license #90823. Will
5 the parties please approach and identify
6 themselves for the record, please?

7 MR. KLINE: Yes, good afternoon. I'm Andrew
8 Kline on behalf of the licensee.

9 MR. MOTTAGHI: Afshin Mottaghi, managing
10 partner.

11 MR. ZAHRAIE: Navid Zahraie, employee.

12 CHAIRPERSON ANDERSON: All right.

13 MR. SILVERSTEIN: Can you repeat that?

14 MR. ZAHRAIE: Navid Zahraie, employee.

15 CHAIRPERSON ANDERSON: All right, we called
16 this -- we called this -- I see the ANC is not
17 here. One of the reasons why we had had this
18 fact finding hearing was because a settlement
19 agreement was provided for the board's approval
20 and the board was -- had some, I'm not sure if
21 the interpretation on the board's view on one
22 provision, if that was consistent with the

1 parties' interpretation of what that provision
2 is, and so that's one of the reasons why the
3 board had called the parties here today for the
4 parties to explain to us what is it that they may
5 -- we're letting the parties see what was the
6 board's interpretation of this provision of the
7 settlement agreement to make sure that they are
8 of that same understanding. And, Mr. Alberti,
9 could you --

10 MR. ALBERTI: So, yeah. There was a
11 provision about -- regarding conditions on the
12 rooftop and also provisions regarding conditions
13 in the sidewalk café. They seemed incongruent to
14 me at least, I think, and to others. So we want
15 to ask both parties if the interpretation that
16 we're reading in the settlement agreement is
17 consistent with the two parties. But, since the
18 ANC, and I will tell you off the bat that the
19 reading in the ANC -- the reading that I have of
20 the settlement agreement, as it's worded, is
21 advantageous to the licensee, which is fine, I
22 just wanted to make sure that the parties

1 understood that that's how, as written, we were
2 going to interpret it. But since the ANC isn't
3 here, and they were invited, and they had an
4 opportunity to speak and they're not here, I'm
5 satisfied with my interpretation which is more
6 advantageous to the licensee and I am willing to
7 sign off on it. So, you don't really need to
8 speak to me.

9 UNKNOWN SPEAKER: I'm not made for this.

10 MR. ALBERTI: We offered the neighborhood an
11 opportunity to come and speak to it and they
12 haven't, so -- all right, I'm done.

13 CHAIRPERSON ANDERSON: Yes, Mr. Short?

14 MR. SHORT: The only concern I have about the
15 settlement agreement is the fact that the Howard
16 University Hospital is, I guess, less than half
17 a block away from you guys, is that correct?

18 MR. MOTTAGHI: Yes.

19 MR. SHORT: So, I mean, just for my
20 information as a board member, how would this
21 rooftop affect noise levels interfering with the
22 hospital [inaudible 1:36].

1 MR. MOTTAGHI: For the reason that we, the
2 ANC agreed to do this, part of the reason we got
3 into this and they're okay with it is the way the
4 system and the rooftop is built. The sound
5 system is pointing downward and at close range.
6 It does not point in any direction where there's
7 a residence or the hospital, so they're pointing
8 downwards and within and we have soundproofing.
9 We have built walls that go 14 feet high, so it's
10 actually, except for the top being open, there's
11 only one area that's completely open and that's
12 facing Florida Avenue. So, the University is
13 walled off, the sound system doesn't carry
14 through.

15 MR. SHORT: But you're saying the portion
16 that's not covered is Florida Avenue and that's -
17 -

18 MR. MOTTAGHI: Facing Florida Avenue.

19 MR. SHORT: And Florida Avenue faces the
20 hospital.

21 MR. MOTTAGHI: No, no. We're on Florida
22 Avenue; they face 7th Street. They're Georgia

1 Avenue.

2 MR. SHORT: The hospital takes up the whole
3 block.

4 MR. MOTTAGHI: Yes, it does, but we're
5 facing, like, if you're -- the opening is -- so,
6 if any music leaves our area it's going on
7 Florida Avenue down south away from the hospital.
8 The hospital is behind us.

9 MR. SHORT: I would think you mean Florida
10 Avenue East. Florida Avenue runs --

11 MR. MOTTAGHI: Yeah, I mean yes it would be
12 going parallel to 7th Street.

13 MR. SHORT: They're in the 600 block, okay.

14 MR. MOTTAGHI: Yeah, it would be running
15 parallel to 7th Street, so it'd be going towards
16 Florida Avenue, across Florida Avenue, towards
17 like the Howard Theater and after it.

18 MR. SHORT: Okay, I got it.

19 MR. KLINE: Down there and then the hospital
20 is more [inaudible].

21 MR. SHORT: Okay, thank you very much.

22 CHAIRPERSON ANDERSON: Any other questions by

1 other board members?

2 MR. KLINE: No, Mr. Chair. Thank you.

3 MR. MOTTAGHI: Thank you.

4 MR. SHORT: Our apologies, but we thought the
5 ANC would be here, so thank you for coming.

6 MR. MOTTAGHI: Can I ask a separate question?
7 When does --

8 CHAIRPERSON ANDERSON: You sure you want to
9 ask a question?

10 MR. SHORT: If I were you I would consult
11 with your attorney.

12 MR. MOTTAGHI: With my attorney.

13 MR. SHORT: You're paying for the full hour.

14 MR. MOTTAGHI: Or fifty minutes at this
15 point.

16 CHAIRPERSON ANDERSON: You can consult your
17 attorney if you still want to ask us a question,
18 I'll entertain it.

19 MR. MOTTAGHI: I'm curious, when does this go
20 into effect? The settlement agreement, is it
21 immediate? Is it, like, another week? You know
22 we just want to know how to program our music.

1 CHAIRPERSON ANDERSON: We're going to issue a
2 board order in due course, we'll issue a board
3 order approving the settlement agreement, so
4 however long that takes.

5 MR. ALBERTI: We'll do it with all deliberate
6 speed but I can't make any promises.

7 MR. MOTTAGHI: Right. Fine, we just wanted
8 to see.

9 CHAIRPERSON ANDERSON: Well, normally it's 90
10 days after that we'll issue the board order.

11 MR. ALBERTI: No, no, no, no.

12 CHAIRPERSON ANDERSON: I'm sorry -- I'm sorry
13 -- I'm sorry.

14 MR. ALBERTI: We don't withhold those that
15 we're on -- we're on break -- we're on recess for
16 three weeks so if we don't do it today then it
17 will probably not be until the beginning of
18 September.

19 MR. MOTTAGHI: Well, do it today then, that's
20 great.

21 MR. ALBERTI: I'm not making any promises and
22 so.

1 CHAIRPERSON ANDERSON: All right, we have to
2 sign off on this and I'm not sure where it is in
3 the pecking order, but it's been approved.

4 MR. MOTTAGHI: Thank you.

5 (Whereupon, the above-entitled matter was
6 concluded.)

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